IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Crl.MC.No. 3503 of 2007()

CC.817/2007 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TIRUR
CRIME NO.279/01 OF KAPAKANCHERY POLICE STATION

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PETITIONER:

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1. KUNHUMUHAMMED, S/O HUSSAIN,
   NEYYATHOOR(H), MELMURI AMSOM,DESOM,
   KAREKKAD P.O., MALAPPURAM DISTRICT.

2. ABDUL GAFOOR,
   S/O MARAKKAR, PALAKKATHODI(H),
   KAREKKAD P.O., MELMURI AMSOM, DESOM,
   MALAPPURAM DISTRICT.

3. M.NURUDHEEN, S/O MOIDEEN,
   MULATHIPPILAN(H), KAREKKAD P.O.,
   MELMURI AMSOM, DESOM, MALAPPURAM DISTRICT.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:

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1. STATE OF KERALA/ASST. S.I. OF POLICE,
   KALPAKANCHERY POLICE STATION,
   MALAPPURAM DISTRICT. REP. BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. KALI, W/O THAMI,
   PADIKKAPARAMBLI (H), KAREKKAD P.O.,
   MELMURI AMSOM, DESOM, MELMURI,
   MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3503 of 2007

Dated this the 22nd day of November 2007

O R D E R

Against the petitioners, a split up case is pending as C.C.No.817/07. The petitioners are employed abroad. Their job visa will expire within a period of three months. They want an expeditious disposal of the case pending against them. They have come before this court seeking direction for expeditious disposal of the case.

2. Have the petitioners applied before the learned Magistrate? Did they apprise the learned Magistrate of the reasons for expeditious disposal? Obviously no such prayer has been made. The petitioners cannot expect this court to fix the schedule for trial of the courts below. It is for the petitioner to go before the learned Magistrate and seek expeditious disposal of the case showing reasons thereof. I have no reason to assume that the learned Magistrate would not consider such application on merits and in accordance with law. If there is no satisfactory disposal of their prayer, certainly the petitioners can seek relief from this court. This court must certainly discourage the

practice of persons coming to this court for expeditious disposal without and before moving the court concerned.

3. This petition is in these circumstances dismissed but with the the observation that the petitioner can of course go before the learned Magistrate and seek expeditious disposal of the case. The learned Magistrate must consider the application for expeditious disposal to be filed by the petitioner on merits and in accordance with law.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007